

Temporary Use Regulations for Encampments (LAND-2015-01937)

Planning Commission Issues Matrix for December 9, 2015

Issue	Discussion Notes	Status
1. Is a 110-day encampment stay too short a duration? (O'Hara)	<p><u>Planning Commission Discussion</u></p> <p>The Commission asked staff to explore whether or not limiting an encampment stay to 110 days is too short a duration?</p> <p><u>Staff Response/Recommendation</u></p> <p>Please refer to Attachment A "Comparable Cities – Cost & Stay". The average allowed stay across six different jurisdictions is 91 days. The city that allows the longest stay is Kirkland with 92 days. The average required days in between stays is 435 days. Bellevue and Sammamish require 18 months in between stays.</p> <p>The City of Redmond in contrast currently allows for a 110-day stay with a 365 day wait in between stays. Increasing the amount of days a stay entails to 120 days (4 months as suggested by public comment) is a viable alternative. Staff does not find an issue with this recommendation.</p> <p><u>Public Comment</u></p> <p>Testimony was given stating that 110 days is too short a duration for temporary encampment stays. It was suggested the timeframe for stays be at least four months.</p>	Opened 12/2/15
2. Is three stays under an initial temporary use permit enough to service the temporary encampment needs, or should the initial permit cover five stays? (O'Hara)	<p><u>Planning Commission Discussion</u></p> <p>The Commission asked staff to explore whether the initial encampment temporary use permit could or should be expanded to cover five stays, versus the three stay recommendation in the proposal.</p> <p><u>Staff Response/Recommendation</u></p> <p>No other cities surveyed allow for more than one encampment (per site) per 365 calendar days. Bellevue and Sammamish both require an 18-month wait in between stays. Both the current and proposed code do not prevent other host sites/organizations to obtain a temporary encampment permit if one encampment is already active. If a more intensive use is proposed, a more robust public outreach component would be necessary as a part of this code amendment to ensure public equitability. This would delay this code amendment, and the current issues this proposal seeks to remedy would remain. Staff recommends keeping the proposed code amendment as-is.</p> <p><u>Public Comment</u></p> <p>Testimony was given requesting the proposed initial temporary use encampment permit be valid for five</p>	Opened 12/2/15

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	stays versus three stays. This would help spread the cost of the initial permit over five stays versus three.	
3. Is it possible to make the proposed temporary use encampment regulations retroactive? (O'Hara)	<p><u>Planning Commission Discussion</u> The Commission asked staff to explore if the proposed temporary use encampment regulations could be retroactive, such as to January 1, 2015.</p> <p><u>Staff Response/Recommendation</u> This is a legal question that cannot be answered at this time. Staff is following up with this issue with the City Attorney. Generally, city codes are only effective after the date of adoption.</p> <p><u>Public Comment</u></p>	Opened 12/2/15
4. What is the cost of similar permits in other local jurisdictions? (O'Hara)	<p><u>Planning Commission Discussion</u> The Commission asked for a comparison table showing costs of obtaining similar permits for temporary encampments in other local jurisdictions.</p> <p><u>Staff Response/Recommendation</u> Please refer to Attachment A "Comparable Cities – Cost & Stay". The average cost of a temporary use permit (the main method to allow temporary encampments) is \$1,135.34, when excluding Issaquah. Issaquah has not adopted any formal ordinance regarding temporary encampments or any city policy. However, according to a City of Issaquah planning staff member, the Special Use permit (\$25.00) would be the closest comparable as most cities process the application as a temporary use. As presented in the proposed code amendment, the average cost per stay would be \$884.17 (\$2,652.53 ÷ 3 stays). This is below the comparable city average by \$251.17 per permit. The fee schedule is established by the City Council, and is not contained in the Zoning Code.</p> <p><u>Public Comment</u> Testimony was given stating that Redmond's initial fee for encampment temporary use permits is on the high end compared to surrounding jurisdictions. Several people requested Redmond's fee be lowered. Cost, in general, is a concern. Some testified that it costs hosting organizations \$7,000-\$10,000 per stay or roughly \$2,800 per month to host the temporary encampments.</p>	Opened 12/2/15
5. What is the	<u>Planning Commission Discussion</u>	Opened

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timeframe to similar permits in other local jurisdictions? (O'Hara)	<p>The Commission asked staff for a comparison table showing timeframes for processing similar permits for temporary encampments in other local jurisdictions.</p> <p><u>Staff Response/Recommendation</u> Please refer to Attachment A "Comparable Cities – Cost & Stay". From the initial data we have collected, it appears that 45-60 days is the average amount of days it would take to issue a permit in comparable cities. The proposed code amendment lowers the overall processing time of permits to 15 days if spread across three stays assuming there are no appeals or delays regarding the public meeting. The current code and process (assuming one site hosted three stays within five years) would take approximately 135 days of review, meeting, and comment time.</p> <p><u>Public Comment</u> Testimony was given stating the process to obtain a permit takes a while and is somewhat cumbersome.</p>	12/2/15
6. Why are encampments viewed as temporary uses versus a permanent use? (Biethan)	<p><u>Planning Commission Discussion</u> The Commission asked staff the rationale for considering homeless encampments temporary uses verses permanent uses.</p> <p><u>Staff Response/Recommendation</u> Homeless encampments are generally viewed as temporary uses due to the structures that are used to house the residents of the encampments. If the encampments were viewed as a permanent use, then zoning regulations would need to be drafted to establish the encampments as a use. The use would further need to be codified with requirements such as setbacks, landscaping, density, etc;. Furthermore, building codes regarding permanent habitable spaces would be required, as well as infrastructure such as water and sewer.</p> <p><u>Public Comment</u></p>	Opened 12/2/15
7. What do the regulations limit stays to 110 days? (Haverkamp)	<p><u>Planning Commission Discussion</u> The Commission asked staff to provide the history behind limiting temporary encampment stays to 110 days.</p> <p><u>Staff Response/Recommendation</u></p>	Opened 12/2/15

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	<p>When the original code was adopted, 90-days (3 months) was proposed. However, when factoring time issues such as the move-in/move-out/cleanup process, the proposal was increased 110-days. No recommendation. The existing 90-day time period in the Zoning Code was based upon initial input from sponsoring organizations.</p> <p><u>Public Comment</u></p>	
8. Why is there a period of 365 days between encampment stays? (Haverkamp)	<p><u>Planning Commission Discussion</u> The Commission asked staff to provide the history behind requiring a 365 day period between encampment stays.</p> <p><u>Staff Response/Recommendation</u> The 365 day wait in between stays was drafted to match comparable cities.</p> <p><u>Public Comment</u></p>	Opened 12/2/15